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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Czech Republic*, Denmark*, El Salvador*, Finland, France, Germany, Greece*, Hungary, Iceland*, Ireland*, Italy, Kenya, Liechtenstein*, Luxembourg*, Madagascar*, Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, Philippines*, Poland, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Spain*, Swaziland*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136.

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his report (E/CN.4/1994/7 and Add.1 and 2 and Corr.1),

Welcoming the methods of work adopted by the Special Rapporteur, including following up on communications and country visits,

Also welcoming the attention given by the Special Rapporteur in his report to violations of the right to life in connection with suppression of the right to freedom of opinion and expression, peaceful assembly and association,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the fundamental right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/7) and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

4. Also notes the valuable recommendations made by the Special Rapporteur after his visits to particular countries, as contained in his report E/CN.4/1994/7/Add.1 and 2;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Commends the Special Rapporteur for his methods of following up on communications with Governments and sources of information, and encourages him to enhance further his dialogue with Governments as well as to follow up on recommendations made in reports after visits to particular countries;

8. Requests the Special Rapporteur in his next report to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

9. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

11. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights,

as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

12. Urges Governments to undertake all necessary and possible measures to prevent the needless loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency and to grant special protection to those who find themselves in particularly vulnerable situations during such events;

13. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

14. Reiterates the obligation of all Governments, bearing in mind the norms and principles contained in the pertinent international instruments, to carry out exhaustive and impartial investigations into allegations of all suspected cases of extrajudicial, arbitrary and summary executions, to identify, bring to justice and punish the perpetrators, to provide the right to seek and receive as appropriate, compensation for the victims or their families and to take effective measures to avoid future recurrence of such violations;

15. Strongly urges all Governments to respond to communications transmitted to them by the Special Rapporteur, and calls on them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers, government officials as well as members of the United Nations peace-keeping or observer

missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal;

19. Also requests the Secretary-General and the Special Rapporteur to continue seeking ways of raising public awareness of the persistent occurrence of extrajudicial, summary or arbitrary executions and of the work and recommendations made by the Special Rapporteur;

20. Requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".